

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF,)	
)	
Plaintiff,)	No. 2:24-cv-00382-JNW
v.)	
)	DEFENDANT'S RESPONSE TO
DAVID S. KEENAN,)	MOTION TO STRIKE
)	
Defendant.)	

Benshoof moves to strike the declaration of undersigned counsel filed on November 6, 2024. Dkts. 35, 37. There is no basis to strike the declaration. The records provided are not irrelevant or immaterial to the issues pending before this Court. The circumstances of Benshoof's incarceration are relevant to his motion for an indefinite stay.

Benshoof's objection to official court records from the criminal cases is also without merit. "A court's official records are considered reliable public records not subject to reasonable dispute under the Federal Rules of Evidence. They may be noticed for facts concerning what took place during or in connection with the court proceedings only. This means that a court may notice another court's records for information regarding how a case progressed, what was argued by the parties, and on what basis the court ruled on a motion." *Elliott v. Lions Gate Entm't Corp.*, 639 F.

DEFENDANT'S RESPONSE TO
MOTION TO STRIKE [No. 3:24-cv-00382-JNW] - 1

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1 Supp. 3d 1012, 1021 (C.D. Cal. 2022). *See also Rosales-Martinez v. Palmer*, 753 F.d 890, 891
2 (9th Cir. 2014) (holding that judicial notice of court records from criminal case appropriate).

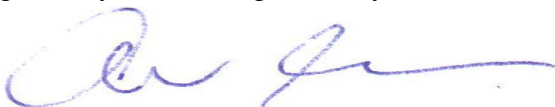
3 It should be noted that since filing his first motion to stay on August 21, 2024, based on
4 his purported inability to prepare and file pleadings, Benshoof has submitted multiple pleadings to
5 this Court. Dkt. 28, 30, 33, 36.

6 Benshoof's motion to strike should be denied.

7 *I certify that this Memorandum contains 224 words in compliance with Local Civil Rules.*

8 DATED this 22nd day of November, 2024.

9 LEESA MANION (she/her)
10 King County Prosecuting Attorney

11 By: 
12 ANN SUMMERS, WSBA #21509
13 Senior Deputy Prosecuting Attorney
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on November 22, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will send automatic notification to the following:

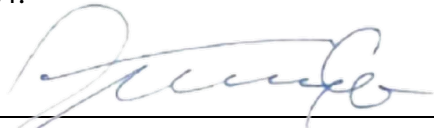
Kurt A. Benshoof
1716 N 128th Street
Shoreline, WA 98133
kurtbenshoof@gmail.com
Pro Se Plaintiff

I also hereby certify that on November 22, 2024, I sent the same via US Postal Service to the following:

Kurt A. Benshoof
B/A 2024-008067
King County Correctional Facility
620 West James Street
Kent, WA 98032

I declare under penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 22nd day of November, 2024.


RAFAEL A. MUNOZ-CINTRON
Paralegal I – Litigation Section
King County Prosecuting Attorney's Office